

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HSBC BANK USA,	:	CIVIL ACTION NO. 1:06-CV-0367
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
TIFFANY A. WEBSTER and	:	
KENNETH C. WEBSTER,	:	
	:	
Defendants	:	

ORDER AND AMENDED JUDGMENT

AND NOW, this 23rd day of September, 2008, upon consideration of the unopposed motion for reassessment of damages (Doc. 18), requesting that the court modify the order and judgment entered in favor of plaintiff on July 17, 2006 (Doc. 13), to add interest accrued through the date of the Marshal's Sale, and it appearing that the order of court required the Marshal's Sale to occur within 180 days of the date of judgment, that the Marshal's Sale has been scheduled for October 23, 2008, (see Doc. 21 at 3), and that it was not scheduled within the 180-day period because the parties had implemented a payment plan, under which defendants successfully made payments until December 2006, (id.), and it further appearing that, once foreclosure proceedings resumed, the Marshal's Service did not issue a writ to schedule the sale until March 2008, (id.), and the court concluding that judgment modification is justified by the implementation of the payment plan and the delay in the Sale, see FED. R. CIV. P. 60(b) (authorizing the court to amend a final judgment for any "reason justifying relief"), it is hereby ORDERED that:

1. The motion (Doc. 18) is **CONSTRUED** as a motion to extend the 180-day period within which to execute the Marshal's Sale and is **GRANTED** as so construed. Plaintiff shall execute the Marshal's Sale on or before October 23, 2008.
2. The motion (Doc. 31) is **GRANTED** to amend the judgment entered in favor of plaintiff as follows:

Principal	\$ 174,159.02
Interest to 8/21/08	\$ 53,451.91
Late charges	\$ 3,771.69
Costs of the Suit and Title	\$ 1,480.00
Property Inspections	\$ 172.80
Appraisal/Broker's Price Opinion	\$ 275.00
Attorney's Fees	\$ 1,675.00
Suspense/Misc. Credits	\$ (1,845.74)
Escrow Deficit	\$ 8,391.55
JUDGMENT as of 8/21/08	<u>\$ 241,531.23</u>

3. The judgment entered on July 17, 2006 (Doc. 13) remains in full force and effect except as expressly modified by this order.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge